

SWEARINGEN TIMELINE—APPELLATE PROCEEDINGS

July 11, 2000	Verdict returned, Swearingen sentenced to death.
March 11, 2002	Swearingen filed 1st state application for writ of habeas corpus, alleging actual innocence, ineffective assistance of counsel for failing to present entomological evidence, etc.
March 26, 2003	Court of Criminal Appeals affirmed judgment of conviction and death sentence on direct appeal (101 S.W.3d 89).
May 21, 2003	Court of Criminal Appeals denied relief on 1st state application for writ of habeas corpus.
May 21, 2004	Swearingen filed his 1st federal petition for writ of habeas corpus in the U.S. District Court for the Southern District of Texas.
October 19, 2004	Swearingen filed a pro se motion for post-conviction DNA testing pursuant to Chapter 64 of the Texas Code of Criminal Procedure.
April 7, 2005	State district court denied motion for DNA testing.
June 8, 2005	Court of Criminal Appeals denied leave to file Swearingen's petition for writ of mandamus.
September 8, 2005	U.S. district court denied habeas corpus relief.
February 1, 2006	Court of Criminal Appeals dismissed appeal from denial of DNA testing as untimely filed (189 S.W.3d 779).
March 27, 2006	Supreme Court denied petition for writ of certiorari to Court of Criminal Appeals on mandamus action (547 U.S. 1042).
July 31, 2006	Fifth Circuit Court of Appeals affirmed the district court's denial of Swearingen's first federal habeas petition (192 F.Appx. 300).
October 17, 2006	State district court set Swearingen's first execution date for January 24, 2007.

January 22, 2007	Swearingen filed 2nd state application for writ of habeas corpus, alleging actual innocence based on entomological evidence, etc.
January 23, 2007	Court of Criminal Appeals stayed the execution and remanded six claims from 2nd state writ application to the trial court to resolve fact issues.
February 20, 2007	U.S. Supreme Court denied petition for writ of certiorari to 5th Cir. Court of Appeals on first federal habeas petition (549 U.S. 1216).
July 2007	State district court conducted evidentiary hearing (witnesses: Sanchez, Arends, Tomberlin).
January 16, 2008	Court of Criminal Appeals denied habeas corpus relief sought in 2nd state application for a writ (2008 WL 152720).
January 16, 2008	Swearingen filed 3rd state application for writ of habeas corpus, alleging actual innocence, suppression of evidence of alternative suspect, etc.
March 5, 2008	Court of Criminal Appeals remanded two claims from 3rd state writ application to state district court for evidentiary hearing (2008 WL 650306).
May 12, 2008	Swearingen filed second motion for DNA testing.
June 20, 2008	State district court conducted evidentiary hearing on 3rd writ application, regarding alternative suspect theory.
December 17, 2008	Court of Criminal Appeals denied relief on 3rd state application for a writ (2008 WL 5245348).
December 18, 2008	State district court set Swearingen's second execution date for January 27, 2009.
January 6, 2009	Swearingen filed third motion for DNA testing.
January 19, 2009	State district court denied second and third motions for DNA testing.
January 20, 2009	Swearingen moved for leave to file second federal petition for habeas corpus relief, alleging actual innocence based on

pathologist affidavits, ineffective assistance of counsel, suppression of exculpatory information, etc.

January 23, 2009	Swearingen filed pro se 4th state application for a writ of habeas corpus.
January 23, 2009	Swearingen's attorney filed 5th state application for a writ of habeas corpus alleging actual innocence based on pathologists' affidavits, etc.
January 26, 2009	Fifth Circuit Court of Appeals stayed execution and remanded two claims from second federal writ petition to U.S. district court to determine if they met requirements for successive petition (556 F.3d 344).
January 27, 2009	Court of Criminal Appeals dismissed 4th and 5th state writ applications.
February 23, 2009	Supreme Court denied petition for writ of certiorari to Court of Criminal Appeals on denial of habeas corpus relief (555 U.S. 1199).
November 18, 2009	U.S. district court dismissed second federal petition for writ of habeas corpus as not meeting requirements for successive petition (2009 WL 4433221).
February 10, 2010	Court of Criminal Appeals affirmed denial of third motion for DNA testing (303 S.W.3d 728).
April 7, 2011	Fifth Circuit Court of Appeals affirmed dismissal of second federal writ application (421 F.Appx. 413).
May 24, 2011	Fifth Circuit Court of Appeals denied petition for rehearing.
June 22, 2011	Swearingen filed 6th state application for a writ of habeas corpus, alleging actual innocence.
June 24, 2011	State district court set third execution date for August 18, 2011.
July 11, 2011	Swearingen filed 7th state application for a writ of habeas corpus ("Supplemental Briefing to the 6th Application") alleging violation of due process (inaccurate forensic testimony at trial, regarding time of death).

July 28, 2011	Court of Criminal Appeals stayed execution, remanded 6th and 7th applications to district court for resolution of claims raised.
February 21, 2012	Swearingen filed petition for writ of mandamus in Court of Criminal Appeals (regarding transfer of tissue for DNA analysis).
February 22, 2012	Petition for writ of mandamus dismissed upon Swearingen's request.
February 27, 2012	Supreme Court denied petition for writ of certiorari to Fifth Circuit Court of Appeals (132 S.Ct. 1632).
February 27, 2012	Evidentiary hearing commenced in state district court.
March 9, 2012	Evidentiary hearing completed in state district court.
October 1, 2012	State district court signed findings of fact and conclusions of law, and recommended that habeas corpus relief be denied.
December 12, 2012	Court of Criminal Appeals denied habeas corpus relief on 6th and 7th state applications for a writ of habeas corpus, adopting findings of district court (2012 WL 6200431).
December 13, 2012	State district court set fourth execution date for February 27, 2013.
January 17, 2013	Swearingen filed fourth motion for DNA testing.
January 30, 2013	State district court vacated order setting execution date.
June 10, 2013	State district court granted fourth motion for DNA testing.
February 5, 2014	Court of Criminal Appeals reversed district court's order for DNA testing (424 S.W.3d 32).
May 22, 2014	Swearingen filed fifth motion for DNA testing.
August 4, 2014	State district court granted fourth and fifth motions for DNA testing.
March 4, 2015	Swearingen filed <i>pro se</i> motion waiving further appeals and requesting execution date.

March 13, 2015	Swearingen withdrew <i>pro se</i> motion requesting execution date and requested continuation of appeal.
October 28, 2015	Court of Criminal Appeals reversed district court's order granting fourth and fifth motions for DNA testing (2015 WL 6513883).
October 3, 2016	U.S. Supreme Court denied petition for writ of certiorari to Court of Criminal Appeals on denial of DNA testing (137 S.Ct. 60).
October 28, 2016	Swearingen filed civil suit in U.S. District Court for Western District of Texas, seeking declaratory judgment regarding right to DNA testing.
July 7, 2017	U.S. district court dismissed civil suit as frivolous.
July 21, 2017	Harris County District Attorney's Office inspected death row cell of Anthony Shore and discovered items pertaining to Melissa Trotter's murder.
August 9, 2017	State district court set fifth execution date for November 16, 2017.
September 1, 2017	HCDAO notified of MCDAO of items found in Shore's cell.
October 16, 2017	MCDAO requested that governor grant Shore a 30-day reprieve.
October 27, 2017	State district court withdrew order setting execution date and recalled execution warrant.
December 7, 2017	State district court ordered clerk to release evidence to MCSO to be transmitted to lab for DNA testing by agreement of parties.
January 7, 2019	Bode Technology reported completion of testing without finding DNA from which a profile could be developed.
March 12, 2019	State district court set sixth execution date for August 21, 2019.